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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,402	04/06/1999	REGIS J. CRINON	KLR-7146.029	6268

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EXAMINER

PHAM, ROBERT T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/26/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Application No.

09/287,402

Applicant(s)

CRINON, REGIS J.

Examiner

Robert T Pham

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 4-7, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan U.S. Patent 6,357,042.

Regarding claim 1, Srinivasan discloses an apparatus and method for synchronizing separately-authored metadata with video/audio stream for display using Presentation Time Stamp (PTS) tag. In an embodiment of Figure 16, the metadata is a web-based content, such as authored videos, interactive videos, and annotation streams (column 30, lines 28-33), and the video capture and synchronization device is a set-top-box (column 29, lines 53-54), wherein:

Providing the document including a structure for receiving a time stamp value associated with the video element;

Inserting the time stamp value associated with the video element in the structure; is described in column 37, lines 35-46. The metadata is tagged with the PTS of the video frame(s); encoded and sent out as private data in the MPEG multiplexed stream, as described in column 13, lines 59-67;

Reading the time stamp value in the document; and

Providing or signaling the availability of the document to a viewer in accordance with the time stamp value;

is described in column 38, lines 32-36.

Regarding claim 2, Srinivasan discloses an apparatus and method, as claimed, wherein the availability of the document is signaled by displaying the document is described in column 38, lines 32-36.

Regarding claim 4, Srinivasan discloses an apparatus and method, as claimed, wherein the time stamp value is encoded in a data packet with the document before the data packet is transmitted is described in column 37, lines 35-46. The metadata is tagged with the PTS of the video frame(s); encoded and sent out as private data in the MPEG multiplexed stream, as described in column 13, lines 59-67. Alternatively, the metadata may be sent out separately from the primary video and coordinated at the user's end according to time placement information in the video streams as described in column 36, lines 18-21.

Regarding claim 5, Srinivasan discloses an apparatus and method, as claimed, wherein the time stamp value is inserted in the structure after the document is transmitted is described in column 38, lines 8-21, and lines 32-36. After the metadata is extracted (column 38, lines 32-34), the PTS of the main video is copied into the metadata tag (column 38, lines 8-12), or if the PTS of the metadata is out of sync with the PTS of the main video then the PTS of the metadata is written so that it is aligned with the PTS of the main video (column 38, lines 18-21).

Regarding claim 6, Srinivasan discloses an apparatus and method, as claimed, wherein:

Providing the document including a structure for receiving a time stamp value associated with the video element is described in column 37, lines 35-46;

Encoding a first data packet comprising the document and the time stamp value;

Encoding a second data packet comprising the time stamp value and a target datum in either the video or audio element;

is shown in Figure 7, and described in column 13, lines 59-67;

reconstructing the document from the first data packet;

capturing the time stamp value from the first data packet;

Inserting the time stamp value into the structure for receiving the time stamp value;

Reading the time stamp value in the document; and

Providing or signaling the availability of the document to a viewer and displaying the target datum of either the video or audio element at the display time specified by the time stamp value is described in column 38, lines 8-21, and lines 32-36.

Regarding claim 7, Srinivasan discloses an apparatus and method, as claimed, wherein the availability of the document is signaled by displaying the document is described in column 38, lines 32-36.

Regarding claim 10, Srinivasan discloses an apparatus and method, as claimed, wherein transmitting the first and second data packets to a receiver is shown in Figure 7, and described in column 13, lines 59-67.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan, in view of Eyer U.S. Patent 5,982,445.

Regarding claims 3, 9, Srinivasan discloses an apparatus and method, as claimed.

Srinivasan does not disclose that the availability of the document is signaled by displaying to the viewer a notice or a command by which the viewer may cause the document to be displayed.

Eyer discloses an apparatus and method for receiving, processing and displaying programming service video/audio data together with supplemental HTML data, wherein HTML pages are downloaded, processed and stored in memory, as described in column 11, lines 8-12. The memory also stores information that enables one HTML page to link to other HTML pages, as described in column 9, lines 25-28. Availability of HTML data is signaled to viewer using buttons, as shown in Figure 4, and described in column 10, lines 36-44.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Srinivasan to include means for signaling to the viewer that HTML pages are available for display, as disclosed by Eyer, to enable the viewer to decide what HTML page to view and when to view it, rather than automatically displaying an HTML page, which the viewer may not want to see.

Regarding claim 11, Srinivasan discloses an apparatus and method, as claimed, wherein:

A document server for delivering the document including a structure for receiving a time stamp value as a first data stream to a packet assembler; the delivery is being coordinated with the arrival of a target datum in a second data stream representing either a video or audio elements;

The packet assembler for encoding a first data packet comprising a data unit representing the document and a time stamp value specifying a time for displaying the document and a second data packet comprising the target datum and the time stamp value;

A packet disassembler for separating the data unit and the time stamp value for the first data packet;

A time stamp loader to insert the time stamp value into the structure for receiving the time stamp value;

The metadata is displayed together with the video/audio data at the time specified by the PTS;

is shown in Figure 18 (259), and described as follows. The multiplexer server (column 36, lines 30-33 and lines 55-58) tags the metadata with the PTS of the video frame, as described in column 37, lines 35-46. The metadata is encoded and sent out as private data in the MPEG multiplexed stream, as described in column 13, lines 59-67. The receiver (Figure 12) extracts the metadata; rewrites (or copies the main video PTS into) the metadata PTS for synchronized display with the main video at the time specified by the PTS, as described in column 38, lines 32-36, also lines 8-12, and lines 18-21.

Srinivasan does not disclose a parser to reconstruct the document from the data unit, and a data presentation engine to read the document.

Eyer discloses an apparatus and method for receiving, processing and displaying programming service video/audio data together with supplemental HTML data, wherein:

The document parser to reconstruct the HTML document is shown in Figure 2 (220, 215), and described in column 8, lines 44-48, and column 9, lines 13-21.

The browser to read the document is described in column 9, lines 17-19.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Srinivasan to include the HTML parser and browser, as disclosed by Eyer, to identify displayable objects and display instructions, such as coordinates and colors, from the HTML codes, to enable the browser to display the images to the viewer.

Regarding claim 12, Srinivasan discloses an apparatus and method, as claimed, wherein the availability of the document is signaled by displaying the document is described in column 38, lines 32-36.

Regarding claim 13, Srinivasan discloses an apparatus and method, as claimed.

Srinivasan does not disclose a storage device to store the reconstructed document, and a command device enabling the viewer to cause the display of the document.

Eyer discloses an apparatus and method for receiving, processing and displaying programming service video/audio data together with supplemental HTML data, wherein:

A storage device to store the reconstructed document is shown in Figure 2 (210), and described in column 11, lines 8-12;

A command device enabling the viewer to cause the display of the document is shown in Figure 2 (232), and described in column 9, lines 1-5, and lines 46-50.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Srinivasan to include a storage to store reconstructed document and a user input device, as disclosed by Eyer, to enable the browser, upon receiving user input, to fetch, prepare and display the requested document.

Regarding claim 14, Srinivasan discloses an apparatus and method, as claimed, wherein transmitter is shown in Figure 7, and described in column 13, lines 59-67; and the receiver is shown in Figure 12, and described in column 20, lines 54-65.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan, in view of Fries U.S. Patent 6,317,885.

Srinivasan discloses an apparatus and method, as claimed, wherein the document is displayed at the time specified by the time stamp value, as described in column 38, lines 32-36.

Srinivasan does not disclose including in the document a display time interval and terminating the document display at a time specified by the display time interval.

Fries discloses an apparatus and method for receiving, processing and displaying HTML-based documents, wherein document display interval is described in the TABLE in column 24 (Type and Delay parameters), as well as, in an associated TABLE in column 25, lines 16-28.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Srinivasan to include a display interval for each type of document, as disclosed by Fries, to deliver web pages in a manner that is convenience

for the viewers, eg, by giving viewers enough time to view the information on the displayed page, but not too long, before new page with new information is loaded.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shoff U.S. Patent 6,240,555 discloses an interactive entertainment system for presenting supplemental interactive content together with continuous video program.

Cleron U.S. Patent 6,223,213 discloses a browser-based email system with user interface for audio/video capture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T Pham whose telephone number is 703-305-4810. The examiner can normally be reached on M-F 7:30-5; every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

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Robert Pham

July 17, 2002



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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